

REMARKS

Claims 1-10 were examined and reported in the Office Action. Claims 1-10 are rejected. Claims 1 and 6 are amended. Claims 2 and 7 have been cancelled. Claims 1, 3-6 and 8-10 remain.

Applicant requests reconsideration of the application in view of the following remarks.

It is asserted in the Office Action that Claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Weiss, U.S. Patent Application Publication No. 2002/0140867.

In response, Applicant has amended Claim 1 to include the limitations of claim 2. Claim 2 has been cancelled. In addition, Claim 6 has been amended to include similar limitations to Claim 1.

In the Action, the Examiner correlates Applicant's claimed trellis encoding means with element 36 of Figure 6, and in rejecting Claim 2, makes specific reference to Figure 6, elements 36, 65 and 66, and the corresponding description at paragraph [0087]. In response, Applicant notes that Weiss's trellis coder is illustrated, for example, in Figure 12 and its corresponding description at paragraphs [0119] – [0120]. As shown in Applicant's Figure 8, and as called for in Claim 1, as amended, the first switching unit initializes output values of a trellis coded modulation encoder, and a second switching unit initializes output values of a precoder, the first and second switching units being represented by element 850 in Figure 8, the precoder by element 820 and the trellis coded modulation (TCM) encoder by element 810. As shown in Figures 6 and 12 of Weiss, there is no switching unit as called for in Claim 1. What the Examiner construes as switching units, apparently data segment sync 65 and data field sync 66, are clearly are not switching units of the type contemplated by Applicant as disclosed and claimed. Claims 3-6 depend from claim 1 and incorporate the same limitations, and are

allowable for their same reasons as Claim 1. Similarly, Claim 6 has been amended to incorporate a limitation indicating that the method operates by performing switching to input values stored in a memory of a TCM encoder and a precoder instead of the inputted signal. Weiss contains no such switching operation as there is no switching between input values stored in the memory of a TCM and precoder instead of the inputted signal as called for in Claim 6 as amended. Claims 8-10 depend from Claim 6, and are therefore allowable over the prior art for the same reasons.

Accordingly, Applicant respectfully submits that claims 1, 3-6 and 8-10, as they now stand, are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated:

12/4/07

By: _____

Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class Mail, With Sufficient Postage, In An Envelope Addressed To: Mail Stop Amendments, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Linda Metz

December 4, 2007